

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DANNY GREEN,

Plaintiff,

v.

No. 13-cv-0819 ACT/SMV

**NEW MEXICO STATE POLICE DEP'T
and BEN ARNOLD,**

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff filed his Complaint in state court on May 20, 2013. Complaint for Damages [Doc. 1-1] at 1. Defendant New Mexico State Police Department removed the case on August 30, 2013. [Doc. 1]. Plaintiff had 120 days after the case was removed, or until December 30, 2013, to serve Defendant Arnold. *See Wallace v. Microsoft Corp.*, 596 F.3d 703, 706 (10th Cir. 2010). However, there is no indication on the record that service of process has been effected with respect to Defendant Arnold, and the 120 days have passed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff show good cause why his claims against Defendant Arnold should not be dismissed without prejudice for lack of service. Plaintiff shall file his response no later than **January 22, 2014**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge